

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK D. ADAMS,

Plaintiff,

v.

S&D CARWASH MANAGEMENT, LLC,
et al,

Defendants.

No. 2:25-cv-1290 DC AC PS

ORDER

Plaintiff is proceeding in action case in pro se. On July 10, 2025, defendants filed a motion to compel arbitration (ECF No. 11) and a separate motion to dismiss (ECF No. 12). The same day, plaintiff filed a motion to compel discovery. ECF No. 13. On July 25, 2025, plaintiff filed both an opposition to defendants' motions (ECF No. 25) and a motion for an extension of time to respond to the motions (ECF No. 26). Plaintiff filed a First Amended Complaint on August 5, 2025, which he asserts moots the motion to dismiss. ECF No. 30.

Plaintiff's motion for an extension of time (ECF No. 26) is GRANTED and his opposition brief will be fully considered. In the motion, plaintiff asked for clarification regarding deadlines for filing, specifically "whether due dates are based on service and mail extension and whether a document is filed once in the Clerk's possession or when filed to the Docket." To answer plaintiff's question, a document is "filed" once it is in the Clerk's possession, even if it is not

1 placed on the electronic docket until the following day. See E.D. Cal. Local Rule 134 (“Paper
2 filings, when permitted or required by these procedures, shall be complete upon presentation to
3 the Clerk.”). The deadline to file is not automatically extended by additional time needed for
4 mailing paper documents. Plaintiff is designated to receive email service and should be receiving
5 electronic notice when documents are filed on the record. ECF No. 5. If he is not receiving
6 documents through e-service, he is directed to contact the Clerk of Court for assistance.

7 Plaintiff’s motion to compel discovery (ECF No. 13) is DENIED as premature:
8 defendants have not yet filed an answer, and this case has not been scheduled. Further, the
9 motion is out of compliance with the rules for seeking judicial resolution of discovery disputes,
10 which require the parties to meet and confer and file a joint statement regarding the discovery
11 dispute. See E.D. Cal. Local Rule 251.

12 As to plaintiff’s contention that the filing of a First Amended Complaint moots
13 defendants’ motion to dismiss, plaintiff is incorrect. Federal Rule of Civil Procedure 15(a)(B)
14 allows amendment without permission from the court if the amended complaint is filed within 21
15 days after a responsive pleading, such as a motion to dismiss, is filed. Plaintiff’s amended
16 complaint was filed August 5, 2025, and is dated August 3, 2025. Even looking to the earlier
17 date, the document was filed more than 21 days after the motion to dismiss was filed: the period
18 for amendment as of right closed August 1, 2025. Accordingly, plaintiff must obtain leave of
19 court to file an amended pleading.

20 Defendants’ motions to compel arbitration and to dismiss remain pending and are fully
21 briefed. ECF Nos. 12, 13, 25, 28. Having reviewed the briefing, undersigned finds that these
22 motions would benefit from oral argument.

23 Accordingly, the court ORDERS as follows:


- 24 1. The hearing on defendants’ motion to compel (ECF No. 11) and motion to dismiss
25 (ECF No. 12) is RESET for August 20, 2025 at 10:00 AM via Zoom before
26 Magistrate Judge Allison Claire. Please contact the Courtroom Deputy Jonathan
27 Anderson by phone (916) 930-4199 or by email at janderson@caed.uscourts.gov
28 one day prior to the scheduled hearing to receive the Zoom information’

2. Plaintiff's motion for an extension of time (ECF No. 26) is GRANTED;

3. Plaintiff's motion to compel discovery (ECF No. 13) is DENIED as premature and procedurally improper.

IT IS SO ORDERED.

DATED: August 7, 2025


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE